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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

16 TABIA LEE,  
17 Plaintiff,  
18 vs.  
19 THE FOOTHILL-DE ANZA  
20 COMMUNITY COLLEGE DISTRICT,  
21 DE ANZA COLLEGE, PATRICK J.  
22 AHRENS, LAURA CASAS, PEARL  
23 CHENG, PETER LANDSBERGER, LEE  
24 LAMBERT, and GILBERT WONG, in their  
official capacities; CHRISTINA  
ESPINOSA-PIEB, in her official and  
individual capacities; ALICIA CORTEZ,  
LYDIA HEARN, LLOYD A. HOLMES,  
and THOMAS RAY, in their individual  
capacities

26 || Defendant(s).

Case No. 5:23-CV-03418-EKL

**SECOND STIPULATION EXTENDING  
DATE OF FIRST CASE MANAGEMENT  
CONFERENCE DUE TO PENDING  
DISPOSITIVE MOTION TO DISMISS**

**Initial CMC:**      **Date Vacated**  
**Time:**  
**Judge:**                Hon. Eumi K. Lee  
**Courtroom:**            7

In compliance with Judge Lee's Standing Order For Civil Cases (August 16, 2024),  
Section VI, the parties in the above-captioned case, through counsel, submit the following

1 Stipulation.

2 **Procedural Background**

3 Defendants filed a Rule 12(b)(6) Motion to Dismiss the First Amended Complaint (ECF  
4 No. 34) on October 12, 2023. The Motion to Dismiss the First Amended Complaint was  
5 scheduled for hearing on January 18, 2024. On October 31, 2023, the parties filed a Stipulation  
6 Extending Date of First Case Management Conference Due to Pending Dispositive Motion to  
7 Dismiss. (ECF No. 40). The Court on November 1, 2023, rescheduled the Initial Case  
8 Management Conference from November 16, 2023 to February 15, 2024, and extended the  
9 related meet and confer dates and filing of the ADR Certification to January 25, 2024. (ECF No.  
10 41). On November 8, 2023, the Court further rescheduled the Initial Case Management  
11 Conference to February 22, 2024. (ECF No. 43). Subsequently, the Court notified the parties on  
12 January 10, 2024 that it was vacating the January 18, 2024 Motion to Dismiss the First Amended  
13 Complaint hearing date and would rule based on the motion and briefs.

14 On February 2, 2024, the parties filed a Stipulation Extending Date of First Case  
15 Management Conference, and related dates, to a date sufficiently after the Court's ruling on  
16 Defendants' Motion to Dismiss the First Amended Complaint that provided the parties with  
17 sufficient time in advance of the Case Management Conference to complete their meet and confer  
18 obligations under FRCP 26(f), file an ADR Certification, and file their Joint Case Management  
19 Conference Statement. (ECF No. 47). On February 6, 2024, the Court rescheduled the Initial  
20 Case Management Conference to June 27, 2024, rescheduled the due date for the Joint Case  
21 Management Conference Statement to June 13, 2024, and also moved to June 13, 2024 the  
22 parties' last day to meet and confer regarding initial disclosures, early settlement ADR process  
23 selection and discovery plan, and to file the ADR Certification. (ECF No. 49).

24 On May 7, 2024, the Court issued its Order on Motion to Dismiss, dismissing the First  
25 Amended Complaint, with leave to amend in part. The May 7, 2024 Order on Motion to Dismiss  
26 also reset the Initial Case Management Conference to September 26, 2024, and the filing date for  
27 the Joint Case Management Conference Statement to September 12, 2024. (ECF No. 51).

28 Plaintiff filed a Second Amended Complaint on May 31, 2024. (ECF No. 52). On June

1 14, 2024, Defendants filed a Motion to Dismiss the Second Amended Complaint that is  
2 dispositive of the entire case. (ECF No. 55). The hearing date on Defendants' Motion to Dismiss  
3 the Second Amended Complaint was set for October 3, 2024. Subsequently, on August 9, 2024,  
4 the Court rescheduled the Initial Case Management Conference to October 3, 2024. (ECF No.  
5 60). Thereafter, on August 20, 2024, the case was reassigned from Judge Pitts to Judge Lee, and  
6 the October 3, 2024 hearing on Motion to Dismiss the Second Amended Complaint and the  
7 October 3, 2024 Initial Case Management Conference dates were vacated. (ECF No. 61).  
8 Presently, per the Court Clerk's August 20, 2024 Order Reassigning Case, the parties must file a  
9 Joint Case Management Conference Statement by September 16, 2024 and the Case Management  
10 Conference has not been rescheduled by the Court.

11 On August 29, 2024, counsel for the parties jointly contacted Courtroom Deputy Laura  
12 Thomson via email to reschedule the vacated hearing date for the Motion to Dismiss the Second  
13 Amended Complaint. Deputy Thomson acknowledged counsel's request on August 29, 2024,  
14 indicating that over 150 cases had been reassigned to Judge Lee and that the Court would follow  
15 up with counsel on their request for a rescheduled date for the Motion to Dismiss the Second  
16 Amended Complaint. On September 3, 2024, Deputy Thomson advised the parties via email that  
17 the hearing date for the Motion to Dismiss the Second Amended Complaint would be reset for  
18 October 30, 2024 at 10:00 a.m.

## **Stipulation**

20       Based on the foregoing, good cause exists for the parties' stipulation and request that the  
21 Court move the Initial Case Management Conference, currently unscheduled, to a date  
22 sufficiently after the Court's ruling on the pending Motion to Dismiss the Second Amended  
23 Complaint that provides the parties with sufficient time, if necessary, in advance of the Case  
24 Management Conference to complete their meet and confer obligations under FRCP 26(f), file an  
25 ADR Certification, and file their Joint Case Management Conference Statement. No party will be  
26 prejudiced by the requested further extensions of time given the status of the case.

1 Dated: September 4, 2024

PLAZA DE JENNINGS & CHIPMAN LLP

2 By: /s/ Jayne Benz Chipman

3 Carmen Plaza de Jennings  
Jayne Benz Chipman

4  
5 Attorneys for Defendants  
6 THE FOOTHILL-DE ANZA  
COMMUNITY COLLEGE DISTRICT,  
DE ANZA COLLEGE, PATRICK J.  
7 AHRENS, LAURA CASAS, PEARL CHENG,  
PETER LANDSBERGER, LEE LAMBERT,  
8 and GILBERT WONG, in their official capacities; CHRISTINA  
ESPINOSA-PIEB, in her official and individual capacities;  
ALICIA CORTEZ, LYDIA HEARN, LLOYD A. HOLMES,  
9 and THOMAS RAY, in their individual capacities,  
10

11 Dated: September 4, 2024

12 ALLEN HARRIS PLLC

13 By: /s/ Michael Thad Allen

14 Michael Thad Allen

15 Attorney for Plaintiff  
TABIA LEE